

permit issued under this part. Sustenance fishing in the Midway Atoll Special Management Area shall not be allowed unless the activity has been determined by the Director of the U.S. Fish and Wildlife Service or his or her designee to be compatible with the purposes for which the Midway Atoll National Wildlife Refuge was established. Sustenance fishing must be conducted in a manner compatible with the Proclamation and this part, including considering the extent to which the conduct of the activity may diminish Monument resources, qualities, and ecological integrity, as well as any indirect, secondary, or cumulative effects of the activity and the duration of such effects. Sustenance fishing is subject to

systematic reporting requirements when developed by the Secretaries.

[71 FR 51135, Aug. 29, 2006, as amended at 72 FR 5643, Feb. 7, 2007]

**§ 404.12 International law.**

These regulations shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

APPENDIX A TO PART 404—MAP OF THE MONUMENT OUTER BOUNDARY AND ECOLOGICAL RESERVES, SPECIAL PRESERVATION AREAS, AND MIDWAY ATOLL SPECIAL MANAGEMENT AREA

